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09/803,272	03/09/2001	Philip K. Yu	998000 PA1	6375

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EXAMINER

AU, SCOTT D

ART UNIT PAPER NUMBER

2635

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/803,272

Applicant(s)

YU ET AL.

Examiner

Scott Au

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2/3. 6) ☐ Other:

### **DETAILED ACTION**

The application of Yu et al. for a "Universal Remote Control With digital Recorder" filed March 9, 2001 has been examined.

Claims 1-10 are pending.

### ***Drawings***

The drawings are objected to because referring to figure 1, "stereo control 105" as described in the specification, the number is not shown on the drawing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura (U.S# 5,267,323).

Referring to claim 1, Kimura discloses a universal remote control ("URC") to control at least one electronic appliance, comprising:

A housing (11) (i.e. a casing) (col. 7 lines 17-26); a control circuitry (16) (i.e. a controller) which, responsive to a user's command, remotely controls the operation of the least one electronic appliance, the control circuitry (10A) being located within the housing (col. 8 lines 7-25; see Figures 3, 4 and 6; a digital voice recorder (15) (i.e. a speech recognition circuit) disposed within the housing (11), which records and plays back at least one audio signal, responsive to a user's command (col. 19 lines 30-35; see Figures 6 and 22).

Referring to claim 2, Kimura discloses a universal remote control of claim 1, wherein the digital voice recorder (15) (i.e. a speech recognition circuit) comprising:

a microphone (M1 and M2) to receive the audio signal; a processor (22) (i.e. a speech recognition circuit) to process the received signal; a memory (23) to store the processed received signal (col. 8 lines 25-36; see Figures 5, 6 and 7); a speaker (201) to play back the audio signal, a power supply (18) (i.e. a power supply circuit), and control circuitry (16) (i.e. a controller) to operate the digital voice recorder upon the user's command (col. 18 lines 33-53; see Figures 19 and 22).

Referring to claim 3, Kimura discloses a universal remote control to control at least one electronic appliance, to the extent as claimed with respect to claim 1 above, and the URC further includes couple means to attach the digital voice recorder (15) (i.e.

a speech recognition circuit) to the housing (11) (i.e. a casing with a speech recognition device attach inside) (col. 7 lines 17-49; see figures 3 and 4).

Referring to claim 4, Kimura disclose a universal remote control as claimed in claims 1 and 3, the claim 4 same in that the claim 2 already addressed above therefore claim 4 is also rejected for the same reason given with respect to claim 2.

Referring to claim 8, Kimura discloses a universal remote control ("URC") to control at least one electronic appliance, comprising:

a housing (11) (i.e. a casing); a plurality of keys on the housing (11), comprising a set of numerical keys (203) (i.e. a ten-key switch) corresponding to the numerals "0" through "9"; a control circuitry (16) (i.e. a controller) which, responsive to a user's pressing of the keys, remotely controls the operation of the at least one electronic appliance, the control circuitry (16) (i.e. a controller) being located within the housing (11); a memory (23) which stores the numerical keys (203) (i.e. a ten-key switch) entered by the user; a display (i.e. a LCD displaying) on the housing to display the numerical keys entered by the user (col. 8 lines 25-36 and col. 18 lines 33-53; see Figures 7, 19 and 22).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (U.S # 5,267,323) as applied to claim 3 above, and further in view of Cullimore (U.S# 5,214,422).

Referring to claim 5, Kimura discloses a universal remote control of claim 3. However, Kimura did not explicitly disclose couple means includes a Velcro fastener between the housing and the digital voice recorder.

In the same field of endeavor of remote control, Cullimore discloses a couple means includes a Velcro fastener between a housing (92) (i.e. a base station) and remote controls (98, 100 and 102) (col. 6 lines 61-63; see Figure 5) for remote control of apparatuses.

Kimura suggests that the digital voice recorder is coupled to the housing of the remote controller (col. 7 lines 17-49; see Figures 3 and 4) but is silent as to a specific coupling means. Cullimore teaches using a Velcro fastener as a couple means between the housing to a remote controller and a separate element to tighten up and secure the remote controller to the separate element. Therefore, it would have been obvious to one skilled in the art to use the Velcro fastener between the housing and an element such as the digital voice recorder as the coupling means of Kimura as

evidenced by Cullimore because Kimura suggests having a coupling means between a remote control housing and a separate element such as digital voice recorder and Cullimore teaches using a specific coupling means such as Velcro in order to tighten up and secure the remote controller to the separate element.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (US# 5,267,323) in view of Besserman (US# 4,284,974).

Referring to claim 9, Kimura discloses a universal remote control of claim 8 above. However, Kimura did not explicitly disclose URC includes a scratch pad control which, responsive to the user's command, activates the memory to store the numerical keys entered by the user as a telephone number.

In the same field of endeavor of method of remote-registering communication control information and circuitry therefore, Besserman discloses a scratch pad control (i.e. a scratch pad) which, responsive to the user's command, activates the memory to store the numerical keys entered by the user as a telephone number (col. 6 lines 16-20 and col. 9 lines 52-58) in order to store the untested subjects, and the number of subjects yet to be tested.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have add a scratch pad control which responsive to the user's command, activates the memory to store the numerical keys entered by the user as a telephone number of system disclosed by Besserman into system of Kimura

with the motivation for doing so would allow to store the numerical keys entered by the user as a telephone number.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (US# 5,267,323) as applied to the claim 4 above, and further in view of Yoshida et al. (US# 6,256,354).

Referring to claim 10, Kimura discloses a method of claim 4 above. However, Kimura did not explicitly disclose wherein the memory includes a first-in first-out ("FIFO") memory to store a plurality of signals; memory control to selectively fast-forward, reverse, erase, playback, make permanent at least one of the plurality of the signals stored by the FIFO memory.

In the same field of endeavor of voice recording and playback phone system, Yoshida et al. disclose wherein the memory includes a first-in first-out ("FIFO") memory to store a plurality of signals; memory control to selectively fast-forward, reverse, erase, playback, make permanent at least one of the plurality of the signals stored by the FIFO memory (col. 8 lines 20-43) in order to allow the user to playback at a remote location.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have add that wherein the memory includes a first-in first-out ("FIFO") memory to store a plurality of signals; memory control to selectively fast-forward, reverse, erase, playback, make permanent at least



one of the plurality of the signals stored by the FIFO memory of system disclosed by Yoshida et al. into the system of Kimura with the motivation for doing so would allow the plurality of signals stored.

### ***Claim Objections***

Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 6, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that a couple mean includes an elastic band wrapping around the housing.

Referring to claim 7, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that a couple means includes at least one pair of clamps to attach the digital voice recorder to the housing.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goh (GB# 2,351,875) discloses a portable telephone records a short voice memo during a call and reproduces the recorded short voice memo later.

Aizawa et al. (GB# 2,224,454) disclose a recorder/reproducer for recording and

reproducing digital voice signals.

Goldstein (US# 5,410,326) discloses a programmable remote control device for interacting with a plurality of remotely controlled devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (703) 305-4680.

The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9314 for regular communications and (703)-872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

September 15, 2003

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600



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